

Oregon Department of Environmental Quality Response

NOAA and EPA Preliminary Decisions on Information Submitted by Oregon to Meet Coastal Nonpoint Program (CNPCP) Conditions of Approval, Dated June 25, 2008

DRAFT

This is the Oregon Department of Environmental Quality's response to the EPA HQ and Region 10 and NOAA's Conditions of Approval of Oregon's Coastal Nonpoint Program (CNPCP), submitted by letter dated June 25, 2008.

URBAN, NEW DEVELOPMENT and SITE DEVELOPMENT

NOAA/EPA Recommendations:

- 1. Develop new TMDL implementation plan guidance for the coastal urban areas consistent with the (g) guidance for new development, or,*
- 2. Develop a voluntary program based on the water quality model code and guidebook. Another option could be to show that a significant number of counties/local governments within the 6217 (CNPCP) boundary have developed stormwater ordinances that are consistent with the (g) guidance.*

DEQ Response:

DEQ is committed to develop a new TMDL implementation plan guidance for the urban areas within the CNPCP boundary consistent with the (g) guidance for new development.

Coastal Urban Areas TMDL Implementation Plan Guidance:

Timeframe: 2008-2009

URBAN, NEW AND OPERATING ONSITE DISPOSAL SYSTEMS

NOAA/EPA Recommendations:

- 1. Rule change to require regular inspections by inspectors who are certified through a nationally recognized inspector-training program (or DEQ's) of existing OSDS, or*
- 2. Point-of-sale inspections with a final 85% goal and with a statistically valid survey of real estate agents, brokers, and/or lenders be conducted at a maximum of 5-year intervals, or*
- 3. Sufficient resources should be in place with a minimum of \$100,000 be set aside each year to address this condition, under the state's section 319 allocation bundled into its performance partnership grant, or*
- 4. OSDS inspections be conducted or a robust incentive-based approach toward using certified inspectors is also acceptable.*

DEQ Response:

DEQ will work to include in the upcoming update of DEQ's Onsite Wastewater Systems Rules requirements to be consistent with the (g) guidance. Specifically, require regular inspections by inspectors who are certified through a nationally recognized inspector-training program or DEQ's inspector-training program of existing OSDS within the CNPCP boundary.

DEQ Onsite Wastewater Systems Rule Making Update:

Timeframe: 2008-2009

CRITICAL COASTAL AREAS, ADDITIONAL MANAGEMENT MEASURES, AND TECHNICAL ASSISTANCE**NOAA/EPA Recommendations:**

- 1. Revise FPA rules to provide for adequate measures for protecting riparian areas of medium, small and non-fish bearing streams, high risk landslide areas, and for addressing the impacts of legacy roads, or*
- 2. The EQC can petition the Board of Forestry to initiate a "Basin Rule" change review to address inadequacies in the FPA management measures that are contributing to violations of water quality standards (ORS 527.765(3)(d)), or*
- 3. If Oregon still wishes to pursue a voluntary approach, backed by enforceable authorities, to address this condition, it must provide more specific information related to funding and project accomplishments on forestry lands within the 6217 (CNPCP) management boundary and associated enforceable authorities.*

DEQ Response:

DEQ is committed to working collaboratively with Oregon Department of Forestry, USEPA, and other relevant agencies to identify information related to forest management, restoration, and water quality conditions on forest lands. DEQ is currently working collaboratively with ODF on several projects. In addition, efforts will be made to identify and evaluate research, assessment, and monitoring efforts related to the effects of forest practices on surface water and ground water quality.

Forestry Impact on Water Quality Assessment:

Timeframe: 2008-2011